

SECOND REGULAR SESSION

# SENATE BILL NO. 602

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

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ADRIANE D. CROUSE, Secretary.

4253S.011

## AN ACT

To repeal sections 105.500, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof twenty new sections relating to public labor organizations, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 105.500, 105.520, 105.525, and 105.530, RSMo, are  
2 repealed and twenty new sections enacted in lieu thereof, to be known as sections  
3 105.500, 105.503, 105.505, 105.525, 105.530, 105.533, 105.535, 105.537, 105.540,  
4 105.545, 105.550, 105.555, 105.570, 105.575, 105.580, 105.583, 105.585, 105.590,  
5 105.595, and 105.598, to read as follows:

105.500. **For purposes of sections 105.500 to 105.598**, unless the  
2 context otherwise requires, the following words and phrases mean:

3 (1) ["Appropriate unit" means] **"Bargaining unit"**, a unit of employees  
4 at any plant or installation or in a craft or in a function of a public body which  
5 establishes a clear and identifiable community of interest among the employees  
6 concerned;

7 (2) **"Board"**, the state board of mediation established under  
8 **section 295.030**;

9 (3) **"Department"**, the department of labor and industrial  
10 **relations established under section 286.010**;

11 (4) "Exclusive bargaining representative" [means], an organization which  
12 has been designated or selected, **as provided in section 105.575**, by a majority  
13 of **the** employees in [an appropriate] **a bargaining unit** as the representative  
14 of such employees in such unit for purposes of collective bargaining;

15 (5) **"Labor organization"**, **any organization, agency, or employee**

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 representation committee or plan, in which employees participate and  
17 which exists for the purpose, in whole or in part, of dealing with a  
18 public body or public bodies concerning collective bargaining,  
19 grievances, labor disputes, wages, rates of pay, hour of employment, or  
20 conditions of work;

21 [(3)] (6) "Public body" [means], the state of Missouri, or any officer,  
22 agency, department, bureau, division, board or commission of the state, or any  
23 other political subdivision of or within the state.

105.503. The provisions of sections 105.500 to 105.598 shall apply  
2 to all employees of a public body, labor organizations, and labor  
3 agreements between a labor organization and a public body, whether  
4 collective bargaining rights are granted to such entities in section  
5 105.510 or by judicial decision.

105.505. 1. No sum shall be withheld from the earnings of any  
2 employee for the purpose of paying any portion of dues, agency shop  
3 fees, or any other fees paid by members of a labor organization or  
4 employees who are nonmembers except upon the annual written or  
5 electronic authorization of the member or nonmember.

6 2. No labor organization shall use or obtain any portion of dues,  
7 agency shop fees, or any other fees paid by members of the labor  
8 organization or employees who are nonmembers to make contributions,  
9 as defined in section 130.011, or expenditures, as defined in section  
10 130.011, except with the informed, written or electronic authorization  
11 of such member or nonmember received within the previous twelve  
12 months.

13 3. Employees who do not authorize contributions or expenditures  
14 under subsection 2 of this section shall not have their dues, agency  
15 shop fees, or other fees increased in lieu of payments for contributions  
16 or expenditures.

17 4. The requirements of this section shall not be waived by any  
18 member or nonmember of a labor organization, and waiver of the  
19 requirements shall not be made a condition of employment or  
20 continued employment.

21 5. Signing or refraining from signing any authorization  
22 described under subsection 1 or 2 of this section shall not be made a  
23 condition of employment or continued employment.

24 6. A labor organization shall maintain financial records

25 substantially similar to and no less comprehensive than the records  
26 that are required to be maintained in accordance with 29 U.S.C. Section  
27 431(b), or any successor statute.

28         7. Every labor organization shall provide the records required  
29 under subsection 6 of this section in a searchable electronic format to  
30 every employee it represents. If any labor organization fails to make  
31 such records available to the employees represented by such  
32 organization, any such employee shall have a cause of action against  
33 the labor organization for enforcement of this subsection. The court in  
34 such action may, in its discretion, in addition to any judgment awarded  
35 to the plaintiff or plaintiffs, require reasonable attorney's fees and  
36 court costs to be paid by the labor organization.

37         8. Every labor organization required to prepare any record  
38 under this section shall maintain such records and any additional data  
39 or summary by which the records may be verified, explained, or  
40 clarified for a period of not less than five years immediately following  
41 the preparation of such record.

42         9. For purposes of this section, the term "agency shop" shall mean  
43 an arrangement that requires an employee, as a condition of  
44 employment or continued employment, either to join a recognized labor  
45 organization or to pay such organization a service fee.

105.525. Issues with respect to appropriateness of bargaining units and  
2 majority representative status, as determined under section 105.575, shall  
3 be resolved by the state board of mediation. In the event that the appropriate  
4 administrative body or any of the bargaining units shall be aggrieved by the  
5 decision of the state board of mediation, an appeal may be had to the circuit court  
6 of the county where the administrative body is located or in the circuit court of  
7 Cole County. [The state board of mediation shall use the services of the state  
8 hearing officer in all contested cases.]

105.530. Nothing contained in sections 105.500 to [105.530] **105.598** shall  
2 be construed as granting a right to employees covered in sections 105.500 to  
3 [105.530] **105.598** to strike.

**105.533. 1. Every labor organization shall adopt a constitution  
2 and bylaws and shall file a copy thereof with the department, together  
3 with a report, signed by its president and secretary or corresponding  
4 principal officers, containing the following information:**

5         **(1) The name of the labor organization, its mailing address, and**

6 any other address at which it maintains its principal office or at which  
7 it keeps the records referred to in sections 105.533 to 105.555;

8 (2) The name and title of each of its officers;

9 (3) The initiation fee or fees required from a new or transferred  
10 member and fees for work permits required by the reporting labor  
11 organization;

12 (4) The regular dues or fees or other periodic payments required  
13 to remain a member of the labor organization, as well as agency fees or  
14 any other fees required for nonmembers, if any; and

15 (5) Detailed statements, or references to specific provisions of  
16 documents filed under this subsection which contain such statements,  
17 showing the provisions made and procedures followed with respect to  
18 each of the following:

19 (a) Qualifications for or restrictions on membership;

20 (b) Levying of assessments;

21 (c) Participation in insurance or other benefit plans;

22 (d) Authorization for disbursement of funds of the labor  
23 organization;

24 (e) Audits of financial transactions of the labor organization;

25 (f) The calling of regular and special meetings;

26 (g) The selection of officers and stewards and of any  
27 representatives to other bodies composed of the labor organizations'  
28 representatives, with a specific statement of the manner in which each  
29 officer was elected, appointed, or otherwise selected;

30 (h) Discipline or removal of officers or agents for breaches of  
31 their trust;

32 (i) Imposition of fines, suspensions, and expulsions of members,  
33 including the grounds for such actions and any provision made for  
34 notice, hearing, judgment on the evidence, and appeal procedures;

35 (j) Authorization for bargaining demands;

36 (k) Ratification of contract terms; and

37 (l) Issuance of work permits.

38 Any change in the information required by this subsection shall be  
39 reported to the department at the time the reporting labor organization  
40 files with the department the annual financial report required by  
41 subsection 2 of this section.

42 2. Every labor organization shall file annually with the

43 department a financial report signed by its president and treasurer or  
44 corresponding principal officers containing the following information  
45 in such detail as may be necessary to accurately disclose its financial  
46 condition and operations for its preceding fiscal year:

47 (1) All assets and liabilities at the beginning and end of the fiscal  
48 year;

49 (2) Receipts of any kind and the sources thereof;

50 (3) Salary, allowances, and other direct or indirect  
51 disbursements, including reimbursed expenses, to each officer and  
52 employee who, during such fiscal year, received more than ten  
53 thousand dollars in the aggregate from such labor organization or any  
54 affiliated labor organization;

55 (4) All direct and indirect loans made to any officer, employee,  
56 or member, which aggregated more than two hundred fifty dollars  
57 during the fiscal year, together with a statement of the purpose,  
58 security, if any, and arrangements for repayment;

59 (5) All direct and indirect loans made to any business enterprise,  
60 together with a statement of the purpose, security, if any, and  
61 arrangements for repayment;

62 (6) An itemization schedule that discloses the purpose, date, total  
63 amount, and type or classification of each disbursement made by the  
64 labor organization for the following services and activities, along with  
65 the name and address of the entity receiving the expenditure:

66 (a) Contract negotiation and administration;

67 (b) Organizing activities;

68 (c) Litigation;

69 (d) Public relations activities;

70 (e) Political activities;

71 (f) Activities attempting to influence the passage or defeat of  
72 federal, state, or local legislation or the content or enforcement of  
73 federal, state, or local regulations or policies;

74 (g) Voter education and issue advocacy activities;

75 (h) Training activities for each officer of the local bargaining  
76 representative or labor organization support staff;

77 (i) Conference, convention, and travel activities engaged in by  
78 the labor organization; and

79 (j) Labor organization administration;

80           **(7) The percentage of the labor organization's total expenditures**  
81 **that were spent for each of the activities described in paragraphs (a)**  
82 **to (j) of subdivision (6) of this subsection;**

83           **(8) The names, addresses, and activities of any law firms, public**  
84 **relations firms, or lobbyists whose services are used by the labor**  
85 **organization for any activity described in paragraphs (a) to (j) of**  
86 **subdivision (6) of this subsection;**

87           **(9) A list of candidates, continuing committees, federal political**  
88 **action committees, non-profit organizations, and community**  
89 **organizations to which the labor organization contributed financial or**  
90 **in-kind assistance and the dollar amount of such assistance;**

91           **(10) The name and address of any continuing committees or**  
92 **federal political action committees with which the labor organization**  
93 **is affiliated or to which it provides contributions, the total amount of**  
94 **contributions to such committees, the candidates or causes to which**  
95 **such committees provided any financial assistance, and the amount**  
96 **provided to each such candidate or cause;**

97           **(11) Other disbursements made, including the purposes thereof,**  
98 **all in such categories as the department may prescribe.**

99           **3. Every labor organization shall submit the report required by**  
100 **subsection 2 of this section in an electronic, readily and easily**  
101 **accessible format and shall make available the information required to**  
102 **be contained in such report to all of its members. Every such labor**  
103 **organization and its officers shall be under a duty enforceable at the**  
104 **suit of any member of such organization in the county where the**  
105 **violation occurred to permit such members for just cause to examine**  
106 **any books, records, and accounts necessary to verify such report. The**  
107 **court in such action may, in its discretion, in addition to any judgment**  
108 **awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee**  
109 **to be paid by the defendant, and costs of the action.**

110           **4. The department shall make each report filed under this**  
111 **section publicly available, online, in an electronic format.**

112           **5. For purposes of this section, the terms "candidate", "continuing**  
113 **committee", and "contribution" shall have the same meaning as in**  
114 **section 130.011 and the term "lobbyist" shall have the same meaning as**  
115 **in section 105.470.**

105.535. 1. Every officer of a labor organization and every

2 **employee of a labor organization, other than an employee performing**  
3 **exclusively clerical or custodial services, shall file with the department**  
4 **a signed report listing and describing for his or her preceding fiscal**  
5 **year:**

6 **(1) Any stock, bond, security, or other interest, legal or equitable,**  
7 **which such person or his or her spouse or minor child directly or**  
8 **indirectly held in, and any income or any other benefit with monetary**  
9 **value, including reimbursed expenses, which such person or his or her**  
10 **spouse or minor child derived directly or indirectly from, any public**  
11 **body whose employees such labor organization represents or is actively**  
12 **seeking to represent, except payments and other benefits received as**  
13 **a bona fide employee of such public body;**

14 **(2) Any transaction in which such person or his or her spouse or**  
15 **minor child engaged, directly or indirectly, involving any stock, bond,**  
16 **security, or loan to or from, or other legal or equitable interest in the**  
17 **business of a public body whose employees such labor organization**  
18 **represents or is actively seeking to represent;**

19 **(3) Any stock, bond, security, or other interest, legal or equitable,**  
20 **which such person or his or her spouse or minor child directly or**  
21 **indirectly held in, and any income or any other benefit with monetary**  
22 **value, including reimbursed expenses, which such person or his or her**  
23 **spouse or minor child derived directly or indirectly from, any business**  
24 **a substantial part of which consists of buying from, selling or leasing**  
25 **to, or otherwise dealing with, the business of a public body whose**  
26 **employees such labor organization represents or is actively seeking to**  
27 **represent;**

28 **(4) Any stock, bond, security, or other interest, legal or equitable,**  
29 **which such person or his or her spouse or minor child directly or**  
30 **indirectly held in, and any income or any other benefit with monetary**  
31 **value, including reimbursed expenses, which such person or his or her**  
32 **spouse or minor child derived directly or indirectly from, a business**  
33 **any part of which consists of buying from, or selling or leasing directly**  
34 **or indirectly to, or otherwise dealing with such labor organization;**

35 **(5) Any direct or indirect business transaction or arrangement**  
36 **between such person or his or her spouse or minor child and any public**  
37 **body whose employees his or her organization represents or is actively**  
38 **seeking to represent, except work performed and payments and**

39 benefits received as a bona fide employee of such public body and  
40 except purchases and sales of goods or services in the regular course  
41 of business at prices generally available to any employee of such public  
42 body; and

43 (6) Any payment of money or other thing of value, including  
44 reimbursed expenses, which such person or his or her spouse or minor  
45 child received directly or indirectly from any public body or any  
46 person who acts as a labor relations consultant to any public body.

47 2. The provisions of subdivisions (1), (2), (3), (4), and (5) of  
48 subsection 1 of this section shall not be construed to require any such  
49 officer or employee to report his or her bona fide investments in  
50 securities traded on a securities exchange registered as a national  
51 securities exchange under the Securities Exchange Act of 1934, in  
52 shares in an investment company registered under the Investment  
53 Company Act or in securities of a public utility holding company  
54 registered under the Public Utility Holding Company Act of 1935, or to  
55 report any income derived therefrom.

56 3. Nothing contained in this section shall be construed to require  
57 any officer or employee of a labor organization to file a report under  
58 subdivision (1) of subsection 1 of this section unless such person or his  
59 or her spouse or minor child holds or has held an interest, has received  
60 income or any other benefit with monetary value or a loan, or has  
61 engaged in a transaction described therein.

105.537. Nothing contained in the provisions of sections 105.533  
2 to 105.555 shall be construed to require an attorney who is a member  
3 in good standing of the bar of any state, to include in any report  
4 required to be filed under the provisions of sections 105.533 to 105.555  
5 any information which was lawfully communicated to such attorney by  
6 any of his or her clients in the course of a legitimate attorney-client  
7 relationship.

105.540. 1. The contents of the reports and documents filed with  
2 the department under the provisions of sections 105.533 and 105.535  
3 shall be considered a "public record" as that term is defined in section  
4 610.010 and shall not be closed pursuant to section 610.021. The  
5 department may publish any information and data obtained under such  
6 sections. The department may use the information and data for  
7 statistical and research purposes, and compile and publish such



8 studies, analyses, reports, and surveys based thereon as it may deem  
9 appropriate.

10       2. The department shall by regulation make reasonable provision  
11 for the inspection and examination, on the request of any person, of the  
12 information and data contained in any report or other document filed  
13 pursuant to section 105.533 or 105.535.

14       3. (1) The department shall by regulation provide for the  
15 furnishing of reports or other documents filed with the department  
16 under the provisions of sections 105.533 to 105.555, upon payment of a  
17 charge based upon the cost of the service.

18       (2) The department shall make available without payment of a  
19 charge, or require any person to furnish, to such state agency as is  
20 designated by law or by the governor of the state in which such person  
21 has his or her principal place of business or headquarters, upon  
22 request of the governor of such state, copies of any reports and  
23 documents filed by such person with the department under the  
24 provisions of sections 105.533 or 105.535, or of information and data  
25 contained therein.

26       (3) All moneys received in payment of such charges fixed by the  
27 department pursuant to this subsection shall be deposited in the  
28 general revenue fund of the state.

      105.545. Every person required to file any report under the  
2 provisions of sections 105.533 to 105.555 shall maintain records on the  
3 matters required to be reported which will provide in sufficient detail  
4 the necessary basic information and data from which the documents  
5 filed with the department may be verified, explained or clarified, and  
6 checked for accuracy and completeness, and shall include vouchers,  
7 worksheets, receipts, and applicable resolutions. Such records shall be  
8 kept available for examination for a period of not less than five years  
9 after the filing of the documents based on the information which they  
10 contain.

      105.550. 1. Each labor organization shall file the initial report  
2 required under subsection 1 of section 105.533 within ninety days after  
3 the date on which it first becomes subject to the provisions of sections  
4 105.533 to 105.555.

5       2. Each person required to file a report under the provisions of  
6 sections 105.533 to 105.555 shall file such report within ninety days

7 after the end of each of its fiscal years, except that where such person  
8 is subject for only a portion of such a fiscal year, whether because the  
9 date of enactment of the provisions of sections 105.533 to 105.555 occurs  
10 during such person's fiscal year or such person becomes subject to the  
11 provisions of sections 105.533 to 105.555 during its fiscal year, such  
12 person may consider that portion as the entire fiscal year in making  
13 such report.

105.555. 1. Any person who makes a false statement or  
2 representation of a material fact, knowing it to be false, or who  
3 knowingly fails to disclose a material fact, in any document, report, or  
4 other information required under the provisions of sections 105.533 to  
5 105.555 shall be fined not more than ten thousand dollars or imprisoned  
6 for not more than one year, or both.

7 2. Any person who knowingly makes a false entry in or  
8 knowingly conceals, withholds, or destroys any books, records, reports,  
9 or statements required to be kept by any provision of sections 105.533  
10 to 105.555 shall be fined not more than ten thousand dollars or  
11 imprisoned for not more than one year, or both.

12 3. Each person required to sign reports under section 105.533  
13 shall be personally responsible for the filing of such reports and for any  
14 statement contained therein which he or she knows to be false.

15 4. Any person who fails to file a report required by sections  
16 105.533 to 105.555, or files a report late, shall be subject to a fine of one  
17 hundred dollars for every day the report is late.

105.570. 1. Supervisory employees shall not be included within  
2 the same bargaining unit as employees they supervise.

3 2. The same labor organization shall not represent both non-  
4 supervisory and supervisory employees.

5 3. For the purposes of this section, the term "supervisory  
6 employee" means anyone with supervisory status, managerial status,  
7 confidential status, or any other status that would be a conflict of  
8 interest with the purpose of sections 105.570 to 105.596.

105.575. 1. Any labor organization wishing to represent a  
2 bargaining unit as an exclusive bargaining representative shall present  
3 to the board cards containing the signatures of at least thirty percent  
4 of the employees in the bargaining unit, indicating that they wish to  
5 select the labor organization in question as their exclusive bargaining

6 representative for the purpose of collective bargaining. Voluntary  
7 recognition by any public body of a labor organization as an exclusive  
8 bargaining representative shall be prohibited. Recognition as an  
9 exclusive bargaining representative may only be obtained by a labor  
10 organization through an election conducted under this section.

11       2. Upon receiving such cards, the board shall validate the  
12 signatures on the cards, and confirm that at least thirty percent of the  
13 employees in the bargaining unit have signed the cards. If the board  
14 determines that at least thirty percent of the employees in the  
15 bargaining unit have signed valid cards, the board shall consult with  
16 the public body and the representative of the labor organization that  
17 has presented the cards, and together they shall select a mutually  
18 agreeable date for a secret ballot election to take place. The election  
19 shall be held at the public body's place of business, and shall be set for  
20 a date falling no less than four and no more than eight weeks after the  
21 day upon which the board determines the bargaining unit for election  
22 and has resolved any other bargaining unit issues.

23       3. Once an election date has been set, the public body shall issue  
24 a notice informing all eligible voters of the date, time, and place of the  
25 election. Such notice shall be distributed to all employees and shall be  
26 posted within the public body's place of business.

27       4. All employees shall have the right to freely express their  
28 opinions about whether or not the labor organization should be  
29 selected as the exclusive bargaining representative of the employees in  
30 the bargaining unit. However, no employee and no representative of  
31 the labor organization shall attempt to threaten, intimidate, coerce, or  
32 otherwise restrain any eligible voter in the free exercise of his or her  
33 individual choice to support or oppose the selection of the labor  
34 organization in question as the exclusive bargaining representative of  
35 the employees in the bargaining unit.

36       5. Elections shall be conducted by secret ballot, using such  
37 procedures as the board shall determine are appropriate for ensuring  
38 the privacy and security of each employee's vote. Once the poll is  
39 closed, the board shall oversee the counting of the ballots. One  
40 representative of the public body's management team and one  
41 representative of the labor organization shall have the right to be  
42 present during the counting of the ballots.

43           6. The ballots shall read "Do you wish to select (labor  
44 organization) as the exclusive bargaining representative for  
45 (description of bargaining unit) employed within (description of public  
46 body)?" The ballot shall include check boxes for marking "yes" or "no"  
47 in response to this question.

48           7. In the event that more than one labor organization seeks to  
49 represent employees in the unit, and in the event both labor  
50 organizations have obtained signatures from at least thirty percent of  
51 the employees in the unit stating that they wish to designate the labor  
52 organization as their exclusive bargaining representative, then the  
53 ballot shall read "Do you wish to select (labor organization A), (labor  
54 organization B), or no labor organization as the exclusive bargaining  
55 representative for (description of bargaining unit) employed within  
56 (description of public body)?" The ballot shall then include check boxes  
57 for marking "I wish to select (labor organization A) as my exclusive  
58 bargaining representative," "I wish to select (labor organization B) as  
59 my exclusive bargaining representative," and "I do not wish to select  
60 any labor organization as my exclusive bargaining representative."

61           8. Any labor organization receiving the votes of more than fifty  
62 percent of all employees in the bargaining unit shall be designated and  
63 recognized by the public body as the exclusive bargaining  
64 representative for all employees in the bargaining unit.

65           9. Employees within the bargaining unit shall have the right to  
66 seek to decertify the labor organization as their exclusive bargaining  
67 representative at any time. If any employee within the bargaining unit  
68 presents to the board cards bearing the signatures of at least thirty  
69 percent of the employees within the bargaining unit stating that those  
70 employees no longer wish to be represented by the labor organization  
71 in question, the board shall confirm the signatures on the cards.

72           10. If the board confirms that at least thirty percent of the  
73 employees in the bargaining unit have signed decertification cards, the  
74 board shall consult with the public body and the designated  
75 representative of the labor organization to select a date for a  
76 decertification election. Such election shall take place at least four  
77 weeks, but no later than six weeks, after the board receives the  
78 decertification cards. Notice of such election shall be distributed to all  
79 employees within the bargaining unit and posted within the public

80 **body's place of business.**

81 **11. If more than fifty percent of the employees in the bargaining**  
82 **unit cast votes to terminate the labor organization's representation of**  
83 **the employees in the bargaining unit, the labor organization shall**  
84 **immediately cease to represent the employees in the bargaining unit.**

85 **12. Labor organizations shall be recertified every two years. To**  
86 **meet the biennial recertification requirement, continuation of the labor**  
87 **organization's status as the exclusive representative shall be favored**  
88 **in a secret ballot election conducted by the board by more than fifty**  
89 **percent of the employees in the bargaining unit. Employees shall vote**  
90 **by telephone or online every two years during a two-week period**  
91 **beginning on the anniversary of initial certification.**

92 **13. In the event of the decertification of the exclusive bargaining**  
93 **representative of the employees in any bargaining unit or failure to**  
94 **recertify a labor organization, all terms and conditions of employment**  
95 **existing at the time of decertification or failure to recertify shall**  
96 **remain in place until such time as those terms or conditions of**  
97 **employment are altered by the public body.**

98 **14. No more than one election shall take place in any bargaining**  
99 **unit within the same twelve-month period. Once an election takes**  
100 **place, the board shall not accept cards from labor organizations or**  
101 **employees within the bargaining unit seeking another election for one**  
102 **full calendar year after the date of the election.**

103 **15. The board shall assess and collect a fee from each labor**  
104 **organization participating in an election conducted under this section**  
105 **for the purpose of paying for such election as follows:**

106 **(1) For a bargaining unit of one to one hundred members, a fee**  
107 **of two hundred dollars;**

108 **(2) For a bargaining unit of one hundred one to two hundred**  
109 **fifty members, a fee of three hundred fifty dollars;**

110 **(3) For a bargaining unit of two hundred fifty-one to five**  
111 **hundred members, a fee of five hundred dollars;**

112 **(4) For a bargaining unit of five hundred one to one thousand**  
113 **members, a fee of seven hundred fifty dollars;**

114 **(5) For a bargaining unit of one thousand one to three thousand**  
115 **members, a fee of one thousand five hundred dollars;**

116 **(6) For a bargaining unit of more than three thousand members,**

117 a fee of two thousand dollars.

105.580. 1. Within eight weeks after a labor organization is  
2 certified as the exclusive bargaining representative for the employees  
3 in a bargaining unit as set out in section 105.575, representatives of the  
4 public body, designated by the public body, and representatives of the  
5 labor organization, selected by the labor organization, shall meet and  
6 begin bargaining for an agreement covering the wages, benefits, and  
7 other terms and conditions of employment for the employees within the  
8 bargaining unit.

9 2. No labor organization may refuse to meet with designated  
10 representatives of any public body or engage in conduct intended to  
11 cause the removal or replacement of any designated representative by  
12 the public body.

13 3. The labor organization and the public body shall engage in  
14 bargaining with each other's designated representatives, but neither  
15 side shall be required to offer any particular concession or withdraw  
16 any particular proposal.

17 4. The public body shall not pay any labor organization  
18 representative or employee for time spent participating in collective  
19 bargaining or preparing for collective bargaining on behalf of a labor  
20 organization, except to the extent the person in question is an employee  
21 of the public body and elects to use accrued paid time off that was  
22 personally accrued by such person to cover the time so spent.

23 5. Before any proposed agreement or memorandum of  
24 understanding is presented to a public body, the labor organization, as  
25 a condition of its presentation, shall establish that it has been ratified  
26 by a majority of its members. The public body may approve the entire  
27 agreement or any part thereof. If the public body rejects any portion  
28 of the agreement, the public body may return any rejected portion of  
29 the agreement to the parties for further bargaining, or the public body  
30 may adopt a replacement provision of its own design, or the public  
31 body may state that no provision covering the topic in question shall  
32 be adopted. Any tentative agreement reached between the parties'  
33 representatives shall not be binding on the public body or labor  
34 organization.

35 6. A public body and a labor organization shall not be subject to  
36 binding mediation, binding interest arbitration, or interest arbitration

37 in the event the parties are unable to reach an agreement.

38           7. After the first agreement between the public body and the  
39 labor organization is adopted, bargaining for renewal agreements shall  
40 take place biennially. Such bargaining shall be completed by July  
41 thirty-first of the renewal calendar year. The parties may elect to  
42 bargain non-economic terms for longer periods but all economic  
43 provisions of the agreement shall be adopted on a biennial basis only.

44           8. The term of any labor agreement, provision of a labor  
45 agreement, or extension of a labor agreement entered into after the  
46 effective date of sections 105.500 to 105.598 shall not exceed a period of  
47 two years. Any modification, extension, renewal, or any change  
48 whatsoever to a labor agreement in effect as of the effective date of  
49 sections 105.500 to 105.598 shall be continued as a new labor agreement  
50 for purposes of this section.

          105.583. 1. A meeting concerning a labor agreement between a  
2 public body or its agent and an exclusive bargaining representative or  
3 its agent shall be considered a "public meeting" as that term is defined  
4 in section 610.010 and shall not be closed pursuant to section  
5 610.021. The provisions of this subsection apply whether or not such  
6 meeting is conducted under sections 105.500 to 105.598.

7           2. Any document presented by a public body during a meeting  
8 concerning a labor agreement, or that the public body receives from an  
9 exclusive bargaining representative, shall be considered a "public  
10 record" as that term is defined in section 610.010 and shall not be closed  
11 pursuant to section 610.021.

12           3. This section shall not apply to any part of a meeting during  
13 which a public body or its agent is planning or adopting the strategy  
14 or position to be taken during the course of a collective bargaining  
15 session.

          105.585. Labor agreements negotiated between a public body and  
2 labor organization may cover wages, benefits, and all other terms and  
3 conditions of employment for employees within the bargaining unit,  
4 and shall be subject to the following limitations:

5           (1) Every labor agreement shall include a provision reserving to  
6 the public body the right to hire, promote, assign, direct, transfer,  
7 schedule, discipline, and discharge employees. Every labor agreement  
8 shall also include a provision reserving to management the right to

9 make, amend, and rescind reasonable work rules and standard  
10 operating procedures;

11 (2) Every labor agreement shall expressly prohibit all strikes and  
12 picketing of any kind. A strike shall include any refusal to perform  
13 services, walkout, sick-out, sit-in, or any other form of interference  
14 with the operations of any public body. Every labor agreement shall  
15 include a provision acknowledging that any employee who engages in  
16 any strike or concerted refusal to work, or who pickets over any  
17 personnel matter, shall be subject to immediate termination of  
18 employment;

19 (3) Every labor agreement shall include a provision extending  
20 the duty of fair representation by the labor organization to employees  
21 in a bargaining unit;

22 (4) Every labor agreement shall expressly prohibit labor  
23 organization representatives and employees from accepting paid time,  
24 other than unused paid time off that was accrued by such employees,  
25 by a public body for the purposes of conducting labor organization-  
26 related business, including, but not limited to, grievance handling,  
27 negotiations, meetings, meet and confer sessions, time off to attend  
28 labor organization meetings, or any other labor organization-related  
29 activity;

30 (5) Every labor agreement shall inform employees of their right  
31 to refrain from engaging in and supporting labor organization activity  
32 as well as their right to oppose labor organization activity;

33 (6) Every labor agreement shall include a provision stating that  
34 in the event of a budget shortfall, the public body shall have the right  
35 to require the modification of the economic terms of any labor  
36 agreement. Every labor agreement shall also state that if the public  
37 body deems it necessary to modify the economic terms of any labor  
38 agreement, the public body shall so notify the labor organization, and  
39 shall provide a period of thirty days during which the public body and  
40 the labor organization shall bargain over any necessary adjustments to  
41 the economic terms of the agreement, and if, at the end of the thirty-  
42 day period, the parties have been unable to agree upon modifications  
43 that meet the public body's requirements, the public body shall have  
44 the right to make necessary adjustments on its own authority.

105.590. The secretary or corresponding principal officer of each



2 labor organization shall forward a complete copy of each agreement  
3 made by such labor organization with any public body to any employee  
4 who requests such a copy and whose rights as such employee are  
5 directly affected by such agreement.

105.595. Whenever it shall appear that any labor organization or  
2 representative of any labor organization has violated or is about to  
3 violate any of the provisions of sections 105.570 to 105.596, the  
4 department, a public body, or any citizen of the state of Missouri may  
5 bring a civil action for such relief, including injunctive relief, as may  
6 be appropriate. Any such action may be brought in the county where  
7 the violation occurred and damages and attorneys' fees shall be  
8 awarded for the enforcement of the provisions of sections 105.570 to  
9 105.596.

105.598. The board may promulgate rules necessary to implement  
2 the provisions of sections 105.500 to 105.596. Any rule or portion of a  
3 rule, as that term is defined in section 536.010 that is created under the  
4 authority delegated in this section shall become effective only if it  
5 complies with and is subject to all of the provisions of chapter 536, and,  
6 if applicable, section 536.028. This section and chapter 536 are  
7 nonseverable and if any of the powers vested with the general assembly  
8 pursuant to chapter 536, to review, to delay the effective date, or to  
9 disapprove and annul a rule are subsequently held unconstitutional,  
10 then the grant of rulemaking authority and any rule proposed or  
11 adopted after August 28, 2018, shall be invalid and void.

[105.520. Whenever such proposals are presented by the  
2 exclusive bargaining representative to a public body, the public  
3 body or its designated representative or representatives shall meet,  
4 confer and discuss such proposals relative to salaries and other  
5 conditions of employment of the employees of the public body with  
6 the labor organization which is the exclusive bargaining  
7 representative of its employees in a unit appropriate. Upon the  
8 completion of discussions, the results shall be reduced to writing  
9 and be presented to the appropriate administrative, legislative or  
10 other governing body in the form of an ordinance, resolution, bill  
11 or other form required for adoption, modification  
12 or rejection.]